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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,953	02/27/2002	Robert M. Sheppard	2002B009	8350

23455 7590 01/27/2004
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EXAMINER

AHMED, SHEEBA

ART UNIT PAPER NUMBER

1773

DATE MAILED: 01/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,953

Applicant(s)

SHEPPARD ET AL.

Examiner

Sheeba Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/3/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 16-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-15, in Paper No. 6 is acknowledged. The traversal is on the ground that a search of all the claims would not be unduly burdensome to the Examiner. However, as pointed out in the Office Action mailed on September 8, 2003 (paper No. 5), the inventions of Group I and II are distinct given that the multilayer polymer film structure can be made by adhesively bonding the base, core and skin layers rather than co-extruding these and since these inventions have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. Claims 1-23 remain pending however claims 16-23 are withdrawn from consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, 8, 10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rua, Jr. et al. (US 5,544,881).

Rua, Jr. et al. disclose a game card structure having a cardboard case with printed graphical information with tint colored area, a translucent ink jet receptive layer, a clear coating to protect the ink jet printing from being scratched off and a layer of latex

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scratch-off coating which can be removed after issuance of the game card to the player. Overprints cover the scratch-off coating (Column 3, lines 60-67 and Column 4, lines 1-15). The claims show that the formulation for the scratch-off layer may comprises form 10-90 wt. % of filler. All limitations of claims 1, 2, 7, 8, 10, 13, and 14 are disclosed in the above reference.

3. Claims 1, 7-10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Silverschotz et al. (US 5,542,710).

Silverschotz et al. disclose a structure of multilayered printed matter particularly related to lottery tickets of the instant scratch-off type (Column 1, lines 6-8). The lottery ticket is formed on a cardboard base and further comprises the following layers: a thin layer of a translucent white ink, a translucent ink jet layer, game-play data printed on the ink receptive layers, a layer of clear varnish, a layer of scratch-off material, and an over-printed optical confusion pattern. The clear varnish acts to prevent damage to the game-play data when the scratch-off material is removed by the lottery player (Column 4, lines 5-35). All limitations of claims 1, 7-10, 13, and 14 are disclosed in the above reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6, 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rua, Jr. et al. (US 5,544,881) in view of Kong et al. (US 6,500,533 B1).

Rua, Jr. et al. disclose a game card structure having a cardboard case with printed graphical information with tint colored area, a translucent ink jet receptive layer, a clear coating to protect the ink jet printing from being scratched off and a layer of latex scratch-off coating which can be removed after issuance of the game card to the player. Overprints cover the scratch-off coating (Column 3, lines 60-67 and Column 4, lines 1-15). The claims show that the formulation for the scratch-off layer may comprises from 10-90 wt. % of filler.

Rua, Jr. et al. do not disclose that the scratch-off layer is a polyolefin comprising 8 to 50% of calcium carbonate having an average particle size of 2 microns and that the skin layer and the base layer also comprise a polyolefin.

However, Kong et al. disclose opaque polymeric films having outstanding resistance to distortion caused by folding or creasing (Column 5, lines 3-5) and comprising a polymeric matrix of a polyolefin and a cavitating agent such as polycarbonate. The amount of cavitating agent present in the film is 4 to 20% by weight and the particle size of the cavitating agent is 0.1 to 5 microns (Column 1, lines 30-50, Column 2, lines 29-33 and 47-50). Additional layers may also be polyolefins having a thickness range of 0.005 to 0.15 mils (Column 3, lines 5-10 and 17-20). The film can be

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oriented by stretching from about 3 to 11 times in the machine direction and 3 to 12 times in the transverse direction (Column 4, lines 61-65).

Accordingly, it would have been obvious to one having ordinary skill in the art to replace the opaque, scratch-off layer and the additional layers taught by Rua, Jr. et al. with the opaque, polyolefin layer taught by Hong et al. given that Hong et al. specifically state that such a film has outstanding resistance to distortion caused by folding or creasing, a property that would be particularly important for a game card.

5. Claims 2-6, 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverschotz et al. (US 5,542,710) in view of Kong et al. (US 6,500,533 B1).

Silverschotz et al. disclose a structure of multilayered printed matter particularly related to lottery tickets of the instant scratch-off type (Column 1, lines 6-8). The lottery ticket is formed on a cardboard base and further comprises the following layers: a thin layer of a translucent white ink, a translucent ink jet layer, game-play data printed on the ink receptive layers, a layer of clear varnish, a layer of scratch-off material, and an over-printed optical confusion pattern. The clear varnish acts to prevent damage to the game-play data when the scratch-off material is removed by the lottery player (Column 4, lines 5-35).

Silverschotz et al. do not disclose that the scratch-off layer is a polyolefin comprising 8 to 50% of calcium carbonate having an average particle size of 2 microns and that the skin layer and the base layer also comprise a polyolefin.

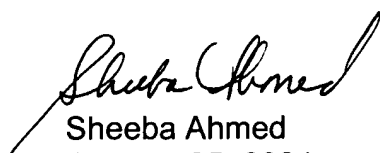
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However, Kong et al. disclose opaque polymeric films having outstanding resistance to distortion caused by folding or creasing (Column 5, lines 3-5) and comprising a polymeric matrix of a polyolefin and a cavitating agent such as polycarbonate. The amount of cavitating agent present in the film is 4 to 20% by weight and the particle size of the cavitating agent is 0.1 to 5 microns (Column 1, lines 30-50, Column 2, lines 29-33 and 47-50). Additional layers may also be polyolefins having a thickness range of 0.005 to 0.15 mils (Column 3, lines 5-10 and 17-20). The film can be oriented by stretching from about 3 to 11 times in the machine direction and 3 to 12 times in the transverse direction (Column 4, lines 61-65).

Accordingly, it would have been obvious to one having ordinary skill in the art to replace the opaque, scratch-off layer and the additional layers taught by Silverschotz et al. with the opaque, polyolefin layer taught by Hong et al. given that Hong et al. specifically state that such a film has outstanding resistance to distortion caused by folding or creasing, a property that would be particularly important for a lottery ticket.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Mondays and Thursdays from 8am-6pm.



Sheeba Ahmed
January 25, 2004